

~~15. The frame of claim 11 having a tension harness connected between a non-adjacent pair of vertices of all diagonally adjacent openings.~~

REMARKS

Review and reconsideration of the above-identified application are respectfully requested in view of the foregoing amendments and the following remarks.

Claims 4 and 5 stand rejected under 35 U.S.C. §112, second paragraph. Applicant has amended claims 4 and 5 to clarify the claimed subject matter. Applicant respectfully submits the amendments overcome the grounds for rejection.

Claims 1-4, 6, 7-12, and 16-20 stand rejected under 35 U.S.C. §102 as anticipated by Kramer U.S. Pat. No. 5,901,727. Applicant respectfully submits Kramer does not disclose each and every element of the claims and therefore does not anticipate. The Examiner points to Figs. 16, 17, 19, and 20 of Kramer. It is initially noted that the embodiment shown in Fig. 20 does not have any four-sided openings and therefore does not anticipate for at least that reason. Figs. 16, 17, and 19 show an embodiment with four-sided openings. This embodiment also has a web comprised of elements 80 and 82, with tension straps 84 that can be used to adjust the degree of tension. See Col. 4, lines 57-63. However, as best shown in Fig. 15 (not cited by the Examiner), the web elements, including the straps 84, extend in the planes of the poles. They do not extend across any four-sided openings, and they do not directly interconnect non-adjacent vertices of any four-sided opening. Kramer therefore does not anticipate.

Claims 1-4, 8-11, and 16-20 stand rejected under 35 U.S.C. §102 as anticipated by Gillis U.S. Pat. No. 6,145,527. Respectfully, the Gillis '527 patent is not prior art under §102 or any other section of the Patent Code. The '527 patent issued November 14, 2000, which was its first date of publication. The present application was filed July 31, 2001, less than a year later. Both the '527 patent and the present application name the same sole inventor, Robert E. Gillis. Applicant respectfully requests that the rejection based on the Gillis '527 patent be withdrawn.

Claims 1-20 stand rejected under 35 U.S.C. §103 for obviousness over the combination of Bryant U.S. Pat. No. 5,117,852 and Pelsue et al. U.S. Pat. No. 4,941,499. The Examiner contends Bryant discloses essentially all of the elements of the rejected claims except a tension harness connected between diagonal vertices of an opening and extending to a position in a common plane in which the ends of the poles rest. The Examiner contends Pelsue discloses such a tension harness as element 16. The Examiner has not provided any reason why a person skilled in the art would be motivated to combine the relied upon disclosures of Bryant and Pelsue, save the teaching of the present application, which is improper. In addition, and respectfully, the Examiner has misunderstood the disclosure of Pelsue. The element 16, which the Examiner contends is a tension harness, is not a tension harness but rather the rolled up "fly" covering, shown extended in Fig. 1, and rolled up in Fig. 2. See col. 4, lines 10-13; see also Brief Description of the Drawings at col. 2, lines 64-68. Furthermore, the rolled up "fly" does not directly connect non-adjacent vertices of a four-sided opening formed by pole crossings because Pelsue describes a very different structure than that of the present

invention. Pelsue is an "A-frame" style structure. Col. 3, lines 37-41. The frame 12 is composed of four separate subframes 18, two on each side of the tent. Each of the subframes has two poles that cross at a single point, but none of the poles of the individual subframes cross with poles from another subframe. Rather, the ends of the poles of each subframe are anchored in pockets 26 sewn into the fabric of the skin 14 near the top and bottom of the skin. See col. 3, lines 43-60 and Figs. 5, 7 and 8. Thus, as shown and described by Pelsue, the rolled up "fly" does not connect vertices of an "opening" defined by pole crossings because it is a very different structure. Applicant therefore respectfully submits that the combined disclosures of Pelsue and Bryant do not disclose or suggest the elements of the present invention as recited in the claims, and in any event no person skilled in the art would be motivated to make the combination in the first instance.

CONCLUSION

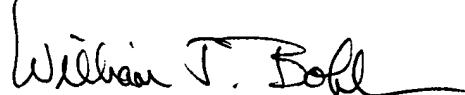
For all of the foregoing reasons, applicant respectfully submits the claims recite patentable subject matter and are in proper form for allowance. An early notice to that effect is earnestly requested.

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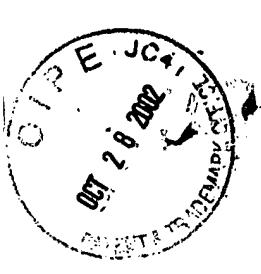
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If the Examiner believes a telephone conference would be helpful to advance the examination of the application, the Examiner is invited to contact the applicant's undersigned attorney at the Examiner's convenience.

Respectfully submitted,


William J. Bohler
Reg. No. 31,487

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834
Tel: 650-326-2400
Fax: 415-576-0300
WJB:ksj
PA 3258740 v1



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MARKED UP VERSION SHOWING CHANGES

1. (Amended) A frame for a shelter structure, comprising:
a plurality of poles arranged in intersecting relationship [and forming]
with a plurality of pole crossings such that at least one four sided opening is
formed having pole crossings defining two non-adjacent pairs of [as] vertices and
having sections of said poles defining [as] sides thereof;
each of said poles having a first terminal end and a second terminal end;
each of said poles assuming a substantially arcuate shape under tension
with said first and second terminal ends of each pole terminating in a common
plane to thereby define an interior volume; and

[at least one] a tension harness extending substantially
diagonally across said opening and directly connecting [connected
between diagonal] pair of vertices of said opening.

4. (Amended) The frame of claim 1 wherein said poles are arranged
to define an ^{said} interior volume that is substantially [dome-like in shape] dome shaped.

5. (Amended) The frame of claim 1 including a tension harness
[connected between] directly connecting each [set of diagonal vertices] pair of non-
adjacent vertices.

6. (Amended) The frame of claim 3 including [at least one tension] a
tension harness [connected between at least one set of diagonal vertices] extending

substantially diagonally across and directly connecting a non-adjacent pair of vertices of each of a plurality of said openings.

7. (Amended) The frame of claim 3 including a tension harness [connected between each set of diagonal vertices] extending substantially diagonally across and directly connecting each pair of non-adjacent vertices of each of a plurality of said openings.

12. (Amended) The frame of claim 11 having [at least one] a tension harness connected between [the diagonal vertices] a non-adjacent pair of vertices of at least one pair of adjacent openings.

13. (Amended) The frame of claim 11 having [at least one] a tension harness connected between [the diagonal vertices] a non-adjacent pair of vertices of [each pair] a plurality of pairs of adjacent openings.

14. (Amended) The frame of claim 11 having [at least one] a tension harness connected between [the diagonal vertices] one of said a non-adjacent pair of vertices of all adjacent openings.

15. (Amended) The frame of claim 11 having [at least one] a tension harness connected between [the diagonal vertices] one of said a non-adjacent pair of vertices of all diagonally adjacent openings.